

APR 18 2007

Application No.: 10/070,801Docket No.: 324-142**REMARKS**

The specification has been amended, without adding new matter, to correct some errors that are obvious from the drawing and/or from other parts of the specification.

The indication of claim 7 containing allowable subject matter is noted. To this end claim 1, as originally submitted, and claim 7 have been combined as new claim 12. New claim 13 depends on claim 9 and includes limitations similar to those of claim 7.

The subject matter of claim 4 has been combined with claim 1 and claim 4 has been canceled. Similar subject matter has been added to claim 9.

The abstract of the disclosure has been re-written to comply with U.S. regulations.

Claim 2 and 3 have been amended to cure the informalities the Office Action indicates are objectionable.

The rejection of claim 8 under 35 U.S.C. 112, first paragraph is obviated by the Amendments to it and the specification, and is inappropriate in view of the following comments. Claim 8 is based on the variant described at page 6, lines 3-7 and page 12, lines 9-20 that include language similar to that of claim 8.

According to page 12, lines 10-13 of applicants' specification, "validating an operation in a call involving said mobile radio telephone terminal via a digital cellular radio telephone network" means the mobile radio telephone terminal, i.e., the first terminal T1, communicates in a well-known manner with any terminal, such as the second terminal T2, via a traffic channel in the radio telephone network. In other words, the logical channel used by the call in claim 1 is a traffic channel between the first terminal and a switching

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means in the radio telephone network, such as a Mobile-services Switching Center (MSC) in a GSM network.

The "digital cellular radio telephone network offers users a short message service (SMS)." "Short messages are processed in the radio telephone network in the same way as signaling" (page 12, lines 12-15). Hence, a short message service in the radio telephone network is similar to a signaling channel D from the first terminal T1 in an ISDN network.

The specification, at page 12, line 9-20, does not specifically indicate the connections between the digital telecommunication network and the second terminal and between the digital telecommunication network and the third terminal relating to the connections, such as the two connections, are not modified. However, a person of ordinary skill in the art is able to clearly understand from the specification that in the described embodiment shown in Figure 1, that (1) the first terminal T1 and the link between the first terminal T1 and the digital telecommunication network 10 are replaced by the mobile radio telephone terminal, (2) the link between the mobile radio telephone terminal and the digital radio telephone network included in the digital telecommunication network 10 are replaced by the mobile radio telephone terminal, (3) the link between the mobile radio telephone terminal and the digital radio telephone network included in the digital telecommunication network 10, (the data channel B between the first terminal T1 and the digital telecommunication network 10) is replaced by the well-known traffic channel from the mobile radio telephone terminal in the digital radio telephone network, and (4) the signaling channel D between the first terminal T1 and the digital

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telecommunication network 10 is replaced by the short message service from the mobile radio telephone terminal in the digital radio telephone network.

The amendment to claim 8 clearly indicates the first terminal is a mobile radio telephone terminal in accordance with the variant described on page 12 of applicants' specification.

The rejection of claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is overcome by the amendment to claim 1.

The rejection of claims 9-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is traversed. Claim 9 includes the transitional phrase, "including" that separates the preamble "An arrangement of terminals" from the body of the claim.

The Office Actions says the claims are generally narrative and indefinite, failing to conform with current U.S. practice but gives no reasons why this is the case, as required by U.S. practice. Explanation is in order if this statement is repeated.

Claims 1 and 9 have been amended to overcome the rejection thereof under 35 U.S.C. 102(b) as being anticipated by Fraser (U.S. Patent No. 5,329,589). Independent claims 1 and 9 are also not rendered obvious by Fraser and Gore et al. (U.S. Patent No. 5,313,463), the references previously relied on to reject claim 4. Because claim 10 depends on claim 9 the rejection of claim 10 is obviated, as are the rejections of (1) claims 2-6 based on Fraser and Gore et al. and (2) claim 11 based on Linehan (U.S. Patent No.

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6,327,578), since neither Gore et al. nor Linehan cures the deficiencies in Fraser.

Fraser discloses a communication system which hides certain transaction information from a party to the transaction while meditating a transaction. System 401 of Figure 4, cited by the Examiner, prevents a party, such as a customer, from disclosing confidential information, such as a credit card number, to another party, such as a vendor in a transaction using a third party as a credit card verification system, referred to as a credit manager 415 (column 8, lines 11-25).

To solve this problem, in the system 401 (column 8, lines 30-65)

- a) One call is carried out only between the customer C 403 and the transaction manager 407 via the switch 107 in communication system 303 in response to a transaction identifier 409 and a vendor identifier 410 transmitted from the customer. The transaction identifier 409 is used in switch 107 to connect the customer to the transaction manager (column 8, lines 33-38),
- b) As a result of this call being set up for a message path 411 (not 421), transaction manager 407 asks the customer for his credit card number CCN via switch 107 (column 8, lines 39-48). The transaction manager has thus stored vendor identifier 410 and the credit card number.
- c) Transaction manager 407 causes switch 107 to connect the customer to the vendor so the customer and vendor can discuss the transaction and the price (message path 421-423) (column 8, lines 49-53).
- d) By using the Touch-tone buttons on his telephone to input the price, vendor 405 causes switch 107 to set up a call between the vendor and transaction manager

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407 which provides the credit card number to credit manager 415 and a transaction confirmation message to vendor 405 (column 8, lines 53-65).

Fraser thus discloses transferring (b) confidential data, such as the customer's credit card number (CCN), between the first terminal (customer) and third terminal (transaction manager) before connecting (c) the first terminal (customer) to the second terminal (vendor) and thus fails to disclose setting up a link between the first terminal (customer) and a third terminal (transaction manager) during the call between the first terminal (customer) and second terminal (vendor). The difference is significant because initially setting up a call between the first terminal (customer) and second terminal (vendor) as required by claims 1 and 9 does not imply setting up a link between the first terminal (customer) and the third terminal. Such a link unnecessarily encumbers the telecommunication network if the customer decides not to buy and pay the vendor after discussing transaction and price.

The difference is also linked to the second terminal that decides to request a link between the second terminal and the third terminal prior to setting up a link between the first terminal and the third terminal. In Fraser et al., the third terminal (transaction manager 407) causes switch 107 to set up (d) a link between the third terminal (transaction manager) and second terminal (vendor) after setting up (a) a link between the first terminal (customer) and the third terminal (transaction manager). Thus, Fraser does not teach that the second terminal requests a link between the third terminal and second terminal, as stated in amended claims 1 and 9, Fraser et al. fails to disclose the requirement of claims 1 and 9 for the second terminal deciding to request a validation of the operation

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irrespective of the transmission of the confidential data not being accessible to the second terminal.

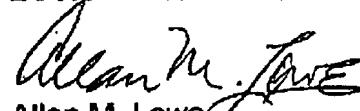
Gore et al. fails to cure the foregoing deficiency in Fraser et al. Gore et al. discloses an ISDN network wherein a terminal system 300 (business) receives credit information from a customer on a B-channel and receives and sends credit information and a validation on a signaling D-channel. But the combination of Fraser et al. and Gore et al., i.e. using the B-channel and D-channel of Gore et al., in the Fraser et al. connections between the three terminals does not result in the equipment of method claim 1 or the arrangement claim 9.

In view of the foregoing amendments and remarks, allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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